

AMENDED IN ASSEMBLY AUGUST 22, 2012

AMENDED IN ASSEMBLY JUNE 19, 2012

AMENDED IN SENATE MARCH 27, 2012

SENATE BILL

No. 1538

Introduced by Senator Simitian

(Principal coauthors: Senators Alquist and Runner)

(Principal coauthor: Assembly Member Nielsen)

(Coauthors: Senators Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Huff, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee)

(Coauthors: Assembly Members Achadjian, Alejo, Allen, Beall, Bill Berryhill, Block, Bonilla, Brownley, Buchanan, Butler, Charles Calderon, Campos, Carter, Cedillo, Chesbro, Conway, Davis, Dickinson, Eng, Feuer, Fletcher, Fong, Furutani, Galgiani, Garrick, Gatto, Grove, Hagman, Hall, Harkey, Hayashi, Roger Hernández, Hill, Huber, Hueso, Huffman, Jeffries, Jones, Knight, Lara, Logue, Bonnie Lowenthal, Ma, Mansoor, Mendoza, Miller, Mitchell, Morrell, Nestande, ~~Nielsen~~, Olsen, Perea, V. Manuel Pérez, Portantino, Skinner, Smyth, Solorio, Swanson, Torres, Valadao, Wagner, Wieckowski, Williams, and Yamada)

February 24, 2012

An act to add and repeal Section 123222.3 of the Health and Safety Code, relating to mammograms.

LEGISLATIVE COUNSEL'S DIGEST

SB 1538, as amended, Simitian. Health care: mammograms.

Existing law requires specified information to be provided to patients regarding their health care. Existing federal law requires a written report of the results of each mammography examination and requires a summary of that report to be sent to the patient within a specified time period.

This bill, from April 1, 2013, until January 1, 2019, would require, under specified circumstances, a health facility at which a mammography examination is performed to include in the summary of the written report that is sent to the patient a prescribed notice on breast density.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 123222.3 is added to the Health and
2 Safety Code, to read:

3 123222.3. (a) A health facility at which a mammography
4 examination is performed shall, if a patient is categorized by the
5 facility as having heterogeneously dense breasts or extremely dense
6 breasts, based on the Breast Imaging Reporting and Data System
7 established by the American College of Radiology, include in the
8 summary of the written report that is sent to the patient, as required
9 by federal law, the following notice:

10
11 ~~“Because your mammogram demonstrates that you have dense~~
12 ~~breast tissue (a relatively common condition), which could hide~~
13 ~~small abnormalities, you might benefit from supplementary~~
14 ~~screening tests, depending on your individual risk factors. A report~~
15 ~~of your mammography results, which contains information about~~
16 ~~your breast density, has been sent to your physician’s office and~~
17 ~~you should contact your physician if you have any questions or~~
18 ~~concerns about this notice.”~~

19 *Your mammogram shows that your breast tissue is dense. Dense*
20 *breast tissue is common and is not abnormal. However, dense*
21 *breast tissue can make it harder to evaluate the results of your*

1 *mammogram and may also be associated with an increased risk*
2 *of breast cancer.*

3 *This information about the results of your mammogram is given*
4 *to you to raise your awareness and to inform your conversations*
5 *with your doctor. Together, you can decide which screening options*
6 *are right for you. A report of your results was sent to your*
7 *physician.*

8
9 (b) This section shall become operative on April 1, 2013.

10 (c) (1) Nothing in this section shall be construed to create or
11 impose liability on a health care facility for failing to comply with
12 the requirements of this section prior to April 1, 2013.

13 (2) *Nothing in this section shall be deemed to create a duty of*
14 *care or other legal obligation beyond the duty to provide notice*
15 *as set forth in this section.*

16 (3) *Nothing in this section shall be deemed to require a notice*
17 *that is inconsistent with the provisions of the federal*
18 *Mammography Quality Standards Act (42 U.S.C. Sec. 263b) or*
19 *any regulations promulgated pursuant to that act.*

20 (d) This section shall remain in effect only until January 1, 2019,
21 and as of that date is repealed, unless a later enacted statute, that
22 is enacted before January 1, 2019, deletes or extends that date.